

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAYDEN PAUL ANTHONY
TITTLE and PATRICIA LYN HOFFMAN,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CANDACE NICHOLE TITTLE,

Respondent,

and

TRAVIS LANCE MASON,

Respondent-Appellant.

UNPUBLISHED
December 23, 2008

No. 285993
Wayne Circuit Court
Family Division
LC No. 07-463583-NA

Before: Murray, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Respondent Travis Mason appeals as of right from a circuit court order terminating his parental rights to Jayden Tittle pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(i). We affirm.

Respondent's sole claim on appeal is that the statutory grounds for termination were not established, and the court erred in terminating his parental rights because petitioner failed to provide him with services to assist with reunification.

A respondent's arguments concerning the adequacy and reasonableness of proffered services ultimately relate to the sufficiency of the evidence proving a statutory ground for termination in a given case. *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). Thus, if a respondent is available and willing and able to accept services designed to rectify the problems that led to the child becoming a temporary court ward, the petitioner's failure or refusal to provide such services can preclude a finding that the conditions that led to the adjudication continued to exist and that the respondent was unlikely to rectify them or to provide proper care

and custody within a reasonable time. *In re Newman*, 189 Mich App 61, 66-68; 472 NW2d 38 (1991).

In this case, the agency neglected to make immediate referrals for services between the March 2007 dispositional hearing and the August 2007 review hearing due to an oversight. Respondent then disappeared. The caseworker's attempts to contact him were unsuccessful, respondent did not contact the agency, he did not visit his son (who was placed with a relative), and did not appear in court again until April 2008, by which time the supplemental petition had been filed. Thus, once the oversight was discovered, it could not be corrected because respondent was no longer available and willing to accept services.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5).¹ Thus, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Christopher M. Murray
/s/ Jane E. Markey
/s/ Kurtis T. Wilder

¹ MCL 712A.19b(5) was amended, effective July 11, 2008. 2007 PA 199. The amended version now requires that the trial court order termination if "the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests." However, as this case decided before the recent amendment, we continue to use the language of the prior version of the statute.